**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

WRIT APPEAL NO.369 OF 2006

26th June 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07.12.2005 in W.P.NO.23118 OF 2005 on the file of the High Court.)

Between:

The Depot Manager, APSRTC Tekkali Depot, Tekkali, Vizianagaram District.

**...APPELLANT**

AND

L.Srinivasa Rao, S/o.Simhachalam, 34 years, Driver, Salur, Vizianagaram District.

**...RESPONDENT**

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

WRIT APPEAL NO.369 OF 2006

**JUDGMENT:** (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri Padmanabha Rao, the learned counsel representing Ms.B.G.Uma Devi, the learned Standing Counsel appearing on behalf of the appellant-Corporation and Sri S.Surendra Kumar, the learned counsel appearing on behalf of the contesting respondent.

At their request, the Writ Appeal itself is taken up for disposal at the stage of admission.

The appellant-Corporation seeks to assail the order dated 07.12.2005 in Writ Petition No.23118 of 2005, *inter alia*, filed seeking to assail the order dated 23.06.1994 imposing the punishment of stoppage of two annual increments with cumulative effect.

The main ground urged on behalf of the appellant is that while allowing the Writ Petition, the learned Single Judge observed that as

departmental enquiry was not conducted before imposing such a major punishment, it necessary calls for an enquiry as laid down by the Apex Court in ***Kulwanth Singh Gill v. State of Punjab***[1]. However, the learned counsel appearing on both the sides submitted that the punishment imposed in the present case is only after conducting enquiry and therefore, the order is liable to be set aside.

The Writ Appeal is accordingly allowed and the order dated 07.12.2005 in W.P.No.23118 of 2005 is set aside. Office is directed to post W.P.23118 of 2005 “For Hearing” before the regular Court hearing the matters. No costs.

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**(B.PRAKASH RAO, J)**

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**(RAMESH RANGANATHAN, J)**

26th June 2006
RRB

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[1] 1990 (1) LLJ 1635